
Overview

This standard is about the provision of legal advice to clients with regards to mental health conditions in a broad range of contexts. You will establish their needs and expectations of services, research information which is relevant to their situations and provide them with appropriate and accurate legal advice. This includes advising clients on more complex areas of mental health law. You will also know how to prepare and present cases in formal or informal hearings.

Performance

criteria

You must be able to:

- P1 explain to clients the services that you can offer in line with their requirements
- P2 check that clients' understanding of legal advice services is consistent with information you have provided
- P3 agree with clients where situations require immediate action in line with their requirements, and:
 - P3.1 take steps to implement this
- P4 agree next steps with clients in line with their requirements
- P5 agree further actions with clients in line with their requirements, including:
 - P5.1 procedures
 - P5.2 responsibilities
 - P5.3 time limits
- P6 analyse available client information to assign relevance to their case in line with your professional judgement
- P7 review sources of information to assess applicability to clients' situations
- P8 check that information obtained enables you to advise clients
- P9 analyse information received from clients and the research process to formulate options in line with clients' needs
- P10 present clients with information and possible options for action in line with organisational requirements
- P11 advise clients on the implications of possible options in line with organisational requirements
- P12 check clients' understanding of the advice offered in line with organisational requirements
- P13 open client case files in line with organisational procedures
- P14 design an action plan with clients in line with organisational processes, and:
 - P14.1 agree roles and responsibilities for progressing actions
- P15 progress actions on behalf of clients in line with agreed timescales
- P16 evaluate case progress against milestones and outcomes in line with organisational procedures

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P17 progress case outcomes to conclusion in line with organisational requirements

P18 record client details and agreed actions in line with organisational requirements

Knowledge and understanding

You need to know and understand:

- K1 relevant legislation, case law and guidance in your jurisdiction relating to mental health service users in the community
- K2 how to contribute to and influence local policy and plans relating to mental health service users in the community
- K3 local systems and structures that relate to the treatment and care of those experiencing mental health conditions
- K4 the legislation and local policy relating to dual diagnosis
- K5 the role of independent mental health advocates and how they can support clients
- K6 the legislation, case law and guidance relating to clients with a mental health condition who are experiencing discrimination and what to do, including:
 - K6.1 access to employment
 - K6.2 access to services
- K7 legislation, policy and case law relating to protection from abuse for people with mental health conditions
- K8 how to prepare for and present cases in relevant mental health and benefits tribunals
- K9 the legislation in your jurisdiction relating to sectioning patients, secure detention and treatment
- K10 the legislation and policy in your jurisdiction relating to offenders with mental health conditions
- K11 housing entitlements relating to clients with a mental health condition, including:
 - K11.1 supported housing
 - K11.2 housing status
- K12 the legislation in your jurisdiction relating to adults with incapacity
- K13 how to advise on guardianship and statutory provision in the appropriate court

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Developed by	Skills for Justice
Version number	3
Date approved	November 2013
Indicative review date	November 2018
Validity	Current
Status	Original
Originating organisation	Skills for Justice
Original URN	SFJ IB8
Relevant occupations	Legal Advisers; Legal Associate Professionals
Suite	Legal Advice
Key words	Specialist advice on mental health issues; discrimination; prepare and present cases; disability